

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SPECIALTY VEHICLE ACQUISITION
CORPORATION, a Delaware corporation,

Plaintiff,

v.

Case No. 07-13887

AMERICAN SUNROOF CORPORATION,
a Michigan corporation, and DMITRI
CHEVTSOV, an individual,

Honorable Patrick J. Duggan

Defendants.

**ORDER DENYING DEFENDANT'S MOTION
FOR APPOINTMENT OF COUNSEL**

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on March 10, 2008.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

This is a trademark dispute between Specialty Vehicle Acquisition Corporation ("Plaintiff") and the American Sunroof Corporation ("Corporation") and Dmitri Chevtsov (collectively referred to as "Defendants"). On September 14, 2007, Plaintiff filed a ten-count complaint asserting federal and state law causes of action arising out of Defendants' alleged unlawful use of Plaintiff's trademarks. Presently before this Court is Defendant Dmitri Chevtsov's Motion for Appointment of Counsel, filed on February 15, 2008. Plaintiffs filed a response to Defendant's motion on February 22, 2008.

Plaintiff asks the Court to appoint an attorney to represent him in this case because he is unable to afford one. Pursuant to 28 U.S.C. § 1915(e)(1), a “court may request an attorney to represent any person unable to afford counsel.” *Id.* (emphasis added).

“Appointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances.” *Lavado v. Keohane*, 992 F.2d 601, 605-06 (6th Cir. 1993)(citations omitted). To determine whether such “exceptional circumstances” exist, courts examine the type of case involved, the ability of the party to effectively represent himself or herself, the complexity of the factual and legal issues involved, whether the claims of the indigent party are frivolous or have an extremely small likelihood of success, and the efforts of the party to obtain counsel. *Id.* at 606 (citations omitted); *Henry v. City of Detroit Manpower Dep’t*, 763 F.2d 757, 760 (6th Cir. 1985).

This Court does not believe that “exceptional circumstances” exist in this case. Based on the proceedings that have already occurred in this case and Defendant’s numerous filings, Defendant Chevtsov has exhibited that he is able to adequately represent himself. In addition, this Court does not believe that the factual and legal issues involved in this case are so complex that Defendant Chevtsov will be unable to effectively represent himself. Finally, it does not appear that Defendant Chevtsov has made any effort to obtain counsel on his own. For the foregoing reasons, this Court will deny Defendant Chevtsov’s Motion for Appointment of Counsel.

Accordingly,

IT IS ORDERED that Defendant Dmitri Chevtsov’s Motion for Appointment of

Counsel is **DENIED**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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